

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

JULY 2021**002605**

E-Filing Number: 2107058963

PLAINTIFF'S NAME SEBASTIAN AGUILERA		DEFENDANT'S NAME DAVID MORGAN	
PLAINTIFF'S ADDRESS 11 STANTON AVENUE NEW CASTLE DE 19720		DEFENDANT'S ADDRESS 955 BETHEL ROAD TWEED ON K0K3J0	
PLAINTIFF'S NAME MARIA SANTOS		DEFENDANT'S NAME TITANIUM TRANSPORTATION GROUP, INC., ALIAS: AND/OR TITANIUM TRUCKING SERVICES, INC.	
PLAINTIFF'S ADDRESS 11 STANTON AVENUE NEW CASTLE DE 19720		DEFENDANT'S ADDRESS 32 SIMPSON ROAD BOLTON ON L7E1G9	
PLAINTIFF'S NAME		DEFENDANT'S NAME ROYAL BANK OF CANADA	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 320 FRONT STREET WEST 11TH FL TORONTO ON M5V3B6	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 5	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PRO PROTHY JUL 30 2021 S. RICE	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>SEBASTIAN AGUILERA , MARIA SANTOS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JAMES B. DILSHEIMER		ADDRESS STAMPONE OBRIEN DILSHEIMER LAW 500 COTTMAN AVE CHELTENHAM PA 19012	
PHONE NUMBER (215) 663-0400	FAX NUMBER (215) 663-9112		
SUPREME COURT IDENTIFICATION NO. 66614		E-MAIL ADDRESS jbdilsheimer@stamponelaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JAMES DILSHEIMER		DATE SUBMITTED Friday, July 30, 2021, 03:41 pm	

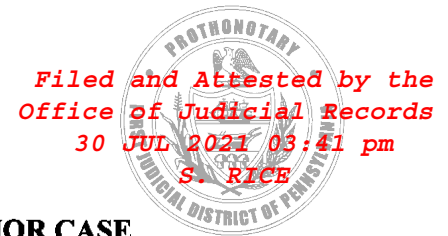
COMPLETE LIST OF DEFENDANTS:

1. DAVID MORGAN
955 BETHEL ROAD
TWEED ON K0K3J0
2. TITANIUM TRANSPORTATION GROUP, INC.
ALIAS: AND/OR TITANTIUM TRUCKING SERVICES, INC.
32 SIMPSON ROAD
BOLTON ON L7E1G9
3. ROYAL BANK OF CANADA
320 FRONT STREET WEST 11TH FL
TORONTO ON M5V3B6
4. JOHN DOE, INC NO. 1
TBD TBD
PHILA PA 19110
5. JOHN DOE, INC. NO. 2
TBD TBD
PHILA PA 19110

STAMPONE O'BRIEN DILSHEIMER LAW

BY: J.B. DILSHEIMER, ESQUIRE
Attorney I.D. No. 66614
JAMES P. MCNALLY, ESQUIRE
Attorney I.D. No. 37085

500 Cottman Avenue
Cheltenham, PA 19012
(215) 663-0400
Attorney for Plaintiff(s)



THIS IS A MAJOR CASE
JURY TRIAL DEMANDED

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

SEBASTIAN AGUILERA and
MARIA SANTOS H/W
11 Stanton Avenue
New Castle, DE 19720

vs.

NO.

DAVID H. MORGAN
955 Bethel Road
Tweed, ON K0K3J-0

AND

TITANIUM TRANSPORTATION
GROUP, INC. and/or
TITANIUM TRUCKING SERVICES, INC.
32 Simpson Road
Bolton, ON L7E1G-9

AND

ROYAL BANK OF CANADA
320 Front Street West 11th Floor
Toronto, ON M5V3B6

AND

JOHN DOE, INCS. 1 & 2
unknown names of any corporation, business
entity, fictitious name, or other
carrier or transportation company
for whom defendant driver David H. Morgan
was driving for, an agent, employee, or
owner of other than a Titanium Trucking related
entity.

COMPLAINT IN CIVIL ACTION

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, PA 19107
(215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede pere dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion de Licenciados
de Filadelfia
Servicio de Referencia e
Informacion Legal
One Reading Center
Filadelfia, PA 19107
(215) 238-1701

1. Plaintiff, Sebastian Aguilera, is an adult individual and citizen of the State of Delaware, residing at 11 Stanton Avenue, New Castle, Delaware, 19720.
2. Plaintiff Maria Santos is an adult individual and citizen of the State of Delaware residing at 11 Stanton Avenue, New Castle, Delaware, 19720. She is the wife of Sebastian Aguilera.
3. Defendant, David H. Morgan, is alleged and therefore averred to be an adult individual residing at 955 Bethel Road, Tweed, ON K0K3J-0.
4. Defendant, Titanium Transportation Group, Inc. and/or Titanium Trucking Services, Inc. ("Titanium Trucking"), is alleged and therefore averred to be a corporation, partnership and/or other business entity, licensed to transact business in the Commonwealth of Pennsylvania, and upon information and belief, regularly conducts business in Philadelphia, with a principal place of business located at 32 Simpson Road, Bolton, ON, L731G-9.

5. Defendant, Royal Bank of Canada is alleged and therefore averred to be a corporation, partnership and/or other business entity, licensed to transact business in the Commonwealth of Pennsylvania, and upon information and belief, regularly conducts business in Philadelphia, with a principal place of business located at 320 Front Street West 11th Floor Toronto, ON, M5V3B6.

6. Defendant John Doe, Inc. 1 & 2 are alleged and therefore averred to be any corporation, partnership and/or other business entity, fictitious name, or other carrier or transportation company for whom defendant driver David H. Morgan was driving for, an agent, employee, or owner of other than a Titanium Trucking related entity. The exact name of said defendant(s) is currently unknown and Plaintiffs reserve the right to amend the first amended complaint as a result of pleading such fictitious parties pursuant to Pa. R.C.P. No. 2005.

7. On or about September 3, 2019, at or about 1:20 p.m., Plaintiff, Sebastian Aguilera, was lawfully operating his employer's truck on Pennsylvania Turnpike Spur Route 7476 (7476 Turnpike Road or PA Turnpike SR 7476 at or near mile marker A82.7), heading northbound when he was rear-ended by the Volvo tractor trailer owned or leased by Defendant Titanium Trucking and/or Royal Bank of Canada, and operated by Defendant, David H. Morgan, who was also traveling northbound on on the same route - Pennsylvania Turnpike Route 7476 -, striking Plaintiff's vehicle from behind, causing severe and serious injuries and damages to the Plaintiff as described at length below.

8. This accident resulted solely from the negligence and carelessness of one or more of the Defendants, individually and/or in their capacity as agents, servants, workmen and/or employees, herein and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff Sebastian Aguilera.

9. At all times relevant hereto, Defendant, David H. Morgan, was operating the motor vehicle as an independent contractor and/or was acting in the course and scope of his employment with Defendant Titanium Trucking and/or Defendant Royal Bank of Canada which is responsible for the negligence and carelessness of its agents, servants, workmen and/or employees under the Doctrine of Respondeat Superior.

10. As a result of the aforesaid accident, the Plaintiff, Sebastian Aguilera, has suffered injuries which are serious and permanent in nature, including, but not limited to: traumatic brain injury; post concussive-syndrome with ongoing headaches, confusion, word-retrieval compromise, difficulty multi-tasking, light and noise hyper-sensitivity, frustration, anxiety, depression, short-temperedness, forgetfulness, and post-traumatic stress, particularly when driving; closed head injury with cognitive deficit and psychological sequelae; convergence insufficiency; chronic migraine headaches; cervicalgia; lumbar disc herniation at L5-S1; bilateral lumbar lower extremity radiculopathy, right worse than left; low back pain; neck pain; aggravation of any degenerative cervical or lumbar disc disease; post traumatic anxiety and depression; severe damage to his nerves and nervous system; and various other ills and injuries which the Plaintiff yet suffers and may continue to suffer for an indefinite time into the future.

11. As a further result of the aforesaid accident, Plaintiff, Sebastian Aguilera, has been obliged to receive and undergo medical attention and care and to incur various and diverse expenses, all of which have or may exceed the sums and value recoverable under 75 Pa. C.S. Section 1711 and which the Plaintiff may continue to expend and incur for an indefinite time into the future.

12. As a further result of the aforesaid accident, Plaintiff, Sebastian Aguilera, has or may suffer a severe loss of his earnings and impairment of his earning capacity and power, all of

which may continue indefinitely into the future and exceed the sums and value recoverable under 75 Pa. C.S. Section 1711.

13. As a further result of the aforesaid accident, the Plaintiff, Sebastian Aguilera, has suffered severe physical pain and trauma, mental upset and anguish and humiliation and may continue to suffer the same for an indefinite time into the future.

14. As a further result of the aforesaid accident, the Plaintiff, Sebastian Aguilera, has suffered a diminution in his ability to enjoy life and life's pleasures, all of which may continue indefinitely into the future.

COUNT I
SEBASTIAN AGUILERA V. DAVID H. MORGAN

15. Plaintiff hereby incorporates by reference Paragraphs 1 through 14 as if the same were herein set forth at length.

16. The negligence and carelessness of the Defendant, David H. Morgan, consists of, but is not limited to, the following:

- a. following too closely;
- b. tailgating;
- c. failing to maintain a proper safe distance;
- d. failing to properly operate and control the tractor trailer so that it would not become a hazard to persons situated such as the Plaintiff;
- e. failing to apply the brakes to avoid an accident;
- f. failing to yield the right of way to Plaintiff's vehicle;
- g. failure to keep a proper lookout;
- h. failing to pay proper attention;
- i. distracted driving;

- j. operating the tractor trailer at an excessive rate of speed under the circumstances;
- k. failing to maintain and keep the tractor trailer in the proper lane of travel;
- l. operating the tractor trailer in the improper lane of travel;
- m. failing to travel at a safe speed; and
- n. operating the tractor trailer in violation of the Rules of the Road as codified under laws of the Commonwealth of Pennsylvania at 75 Pa.C.S.A. Chapter 33, governing the operation of motor vehicles on the streets and highways of the Commonwealth, including §§ 3301, 3303, 3305; 3310; 3316; and 3361.

17. The negligence and carelessness of the Defendant as set forth herein was the proximate and sole cause of the injuries and damages to the Plaintiff and expenses incurred as set forth above.

WHEREFORE, Plaintiff, Sebastian Aguilera, demands judgment against the Defendant, David H. Morgan, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT II
SEBASTIAN AGUILERA V. TITANIUM TRANSPORTATION GROUP, INC.,
TITANIUM TRUCKING SERVICES, INC. AND/OR ROYAL BANK OF CANADA

18. Plaintiff hereby incorporates by reference the preceding Paragraphs as if the same were set forth at length herein.

19. The negligence and carelessness of the Defendant, Titanium Transportation Group, Inc., Titanium Trucking Services, Inc., and/or Royal Bank of Canada, its agents, servants, workmen and/or employees, including David H. Morgan, consists of, but is not limited to, the following:

- a. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for following too closely;
- b. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for tailgating;
- c. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to maintain a proper safe distance;
- d. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to properly operate and control the tractor trailer so that it would not become a hazard to persons situated such as Plaintiff;
- e. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to apply the brakes to avoid an accident;
- f. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to yield the right of way to Plaintiff's vehicle;
- g. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to keep a proper lookout;
- h. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to pay proper attention;
- i. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for distracted driving;
- j. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities operation of the tractor trailer at an excessive rate of speed under the circumstances;

k. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to maintain and keep the motor vehicle in its proper lane of travel;

l. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for operating the motor vehicle in the improper lane of travel;

m. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to travel at a safe speed; and

n. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for operation of the vehicle in violation of the Rules of the Road as codified under laws of the Commonwealth of Pennsylvania at 75 Pa.C.S.A. Chapter 33, governing the operation of motor vehicles on the streets and highways of the Commonwealth, including §§ 3301, 3303, 3305; 3310; 3316; and 3361.

20. The negligence and carelessness of the Defendants, its agents, servants, workmen and/or employees, including David H. Morgan, as set forth herein was the proximate and sole cause of the injuries and damages to the Plaintiff and expenses incurred as set forth above.

WHEREFORE, Plaintiff, Sebastian Aguilera, demands judgment against the Defendant, Titanium Transportation Group, Inc. Titanium Trucking Services, Inc. and/or Royal Bank of Canada., its agents, servants, workmen and/or employees, including David H. Morgan, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT III
SEBASTIAN AGUILERA V. JOHN DOE, INCS. 1 & 2

21. Plaintiff hereby incorporates by reference the preceding Paragraphs as if the same were set forth at length herein.

22. The negligence and carelessness of Defendants John Doe Incs. 1 & 2, their agents, owners, servants, workmen and/or employees, including David H. Morgan, consists of, but is not limited to, the following:

- a. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for following too closely;
- b. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for tailgating;
- c. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to maintain a proper safe distance;
- d. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to properly operate and control the tractor trailer so that it would not become a hazard to persons situated such as Plaintiff;
- e. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to apply the brakes to avoid an accident;
- f. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to yield the right of way to Plaintiff's vehicle;
- g. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to keep a proper lookout;
- h. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failing to pay proper attention;
- i. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for distracted driving;

j. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities operation of the tractor trailer at an excessive rate of speed under the circumstances;

k. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to maintain and keep the motor vehicle in its proper lane of travel;

l. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for operating the motor vehicle in the improper lane of travel;

m. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for failure to travel at a safe speed; and

n. negligently hiring and/or entrusting a tractor trailer to one known to have the propensities for operation of the vehicle in violation of the Rules of the Road as codified under laws of the Commonwealth of Pennsylvania at 75 Pa.C.S.A. Chapter 33, governing the operation of motor vehicles on the streets and highways of the Commonwealth, including §§ 3301, 3303, 3305; 3310; 3316; and 3361.

23. The negligence and carelessness of these Defendants, its agents, servants, workmen, owners, and/or employees, including David H. Morgan, as set forth herein was the proximate and sole cause of the injuries and damages to the Plaintiff and expenses incurred as set forth above.

WHEREFORE, Plaintiff, Sebastian Aguilera, demands judgment against the Defendant, John Doe, Inc. 1 & 2, its agents, servants, owners, workmen and/or employees, including David H. Morgan, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT IV

MARIA SANTOS V. DAVID H. MORGAN, TITANIUM TRANSPORTATION GROUP, INC., TITANIUM TRUCKING SERVICES, INC., ROYAL BANK OF CANADA, AND JOHN DOES, INC. 1 & 2

24. Plaintiff hereby incorporates by reference the foregoing Paragraphs as if the same were herein set forth at length.

25. At all times relevant hereto, the Plaintiff, Maria Santos, was and still is the wife of Plaintiff, Sebastian Aguilera.

26. As a result of the injuries suffered by her husband, Plaintiff, Maria Santos, has and will in the future suffer the loss and deprivations of income and the usual services, society and consortium of her husband and has been required to provide special services and care to him.

WHEREFORE, Plaintiff, Maria Santos, demands judgment against the Defendants David H. Morgan, Titanium Transportation Group, Inc., Titanium Trucking Services, Inc., Royal Bank of Canada, and/or John Doe Incs. 1 & 2, jointly and/or severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

Respectfully submitted,

STAMPONE O'BRIEN DILSHEIMER LAW

BY: 

J.B. DILSHEIMER, ESQUIRE
JAMES P. MCNALLY, ESQUIRE
Attorney for Plaintiff(s)

VERIFICATION

Sebastian Aguilera states that he is the Plaintiff in the within action and that the statements made in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and acknowledges that that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

7/30/21
Date

Sebastian Aguilera
SEBASTIAN AGUILERA

VERIFICATION

Maria Santos states that she is the Plaintiff in the within action and that the statements made in the foregoing Complaint are true and correct to the best of her knowledge, information and belief, and acknowledges that that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

7/30/21
Date

Maria Santos
MARIA SANTOS